

**SB 1383 Regulatory Concepts**  
**Department of Resources Recycling and Recovery (CalRecycle)**  
**February 2017**

*CalRecycle is providing this concept paper to initiate a conversation with stakeholders regarding the types of programs and actions that can achieve and maintain the organic waste disposal reductions required by SB 1383 (Lara, Chapter 395, Statutes of 2016).*

*SB 1383 established the most ambitious disposal reduction mandates since the passage of AB 939 (Sher, Chapter 1095, Statutes of 1989). SB 1383 requires CalRecycle, in consultation with the California Air Resources Board (ARB) to develop regulations to reduce the disposal of organic waste 50 percent below 2014 levels by 2020 and 75 percent by 2025. The legislation also states that the regulations include requirements designed to recover 20 percent of edible food for human consumption that is currently landfilled by 2025. These mandates support the broader Short-Lived Climate Pollutant (SLCP) Reduction Strategy developed by the California Air Resources Board because the deterioration of organic matter in a landfill releases methane and other greenhouse gases.*

*The mandates set forth in SB 1383 are based on the methane reductions laid out in ARB's SLCP Reduction Strategy. However, reducing the disposal of organic waste can lead to other environmental co-benefits. These benefits include, increasing the availability of compost to build soil health and conserve water, displacing the use of fossil fuels, reducing food insecurity, and creating green jobs. CalRecycle will seek to maximize these additional benefits and to identify and avoid additional negative impacts to communities and the environment while achieving the mandates in SB 1383.*

*The concepts presented here are one piece of the larger picture of the changes and collaboration being discussed to help achieve SB 1383's mandates. Achieving the mandates will require additional actions outside of this regulatory process from all entities involved. For example, planning for new recycling facilities, including careful collaboration with impacted communities must commence. To assist those efforts, CalRecycle will continue to work with other state agencies on cross-media regulatory issues. Developing the infrastructure will also require additional public and private financing and market development. The Administration will continue to seek Greenhouse Gas Reduction Funds to support recycling infrastructure development and will work with others to find additional resources to help achieve the mandates.*

*The legislatively established waste reduction mandates require coordinated efforts from the state, local jurisdictions, industry, and generators. CalRecycle will continue to work with and listen to all stakeholders, gather new ideas and refine existing proposals, and move forward in the development of policies in a transparent and inclusive fashion.*

## **Definitions and Baselines**

*SB 1383 codifies organics recycling requirements in Chapter 13.1 of Part 3 of Division 30 of the Public Resources Code and Chapter 4.2 of Part 2 of Division 26 of the Health and Safety Code. However, SB 1383 left the definition of many key terms to the departments implementing the legislation. To provide a common understanding of the scope of SB 1383, the Department of Resources Recycling and Recovery (CalRecycle) will need to propose in formal rulemaking several key definitions for terms that are critical to meeting the organic waste reduction targets. To begin the process to develop the necessary definitions, CalRecycle is seeking feedback on the draft definitions included below and is seeking input from stakeholders to identify additional terms that may need to be defined.*

### **Draft Definitions**

- A. Organic Waste:** "Organic Waste" means solid waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, biosolids, digestate and sludges. ***Please see attachment I for additional detail.***
- B. Edible Food:** "Edible Food" means food intended for human consumption. In order for this edible food to be recovered, it must meet applicable public health and food safety standards.

**C. Generator:** “Generator” means a public or private entity that is responsible for the initial creation of solid waste, organics and recyclable material.

### **Organic Waste 2014 Baseline: 50 Percent and 75 Percent**

SB 1383 mandates a 50 percent reduction from the 2014 level by 2020 and 75 percent by 2025. According to CalRecycle’s 2014 Waste Characterization Study, approximately 20 million tons of organics (as defined above) were disposed in 2014. For the SB 1383 mandates, this translates to a requirement to limit disposal of organics to roughly 10 million tons by January 1, 2020. A 75 percent reduction from the 2014 level requires California to limit disposal to roughly 5 million tons of organics annually on and after 2025. Please *see Attachment II for additional detail*.

### **Edible Food Recovery Baseline**

SB 1383 requires CalRecycle’s regulations to include requirements designed to improve the recovery of edible food that is currently landfilled by 20 percent by 2025. CalRecycle is seeking feedback on approaches to determine a baseline for measuring the amount of edible food currently disposed.

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## **SB 1383 Concepts and Strategies**

*SB 1383 requires CalRecycle, in consultation with ARB, to develop regulations to ensure that the state achieves the 2020 and 2025 disposal reduction mandates. To achieve the mandates, CalRecycle is seeking feedback on concepts identified to: 1) provide organics recycling services to every generator of organics in the state; 2) keep organic materials clean and recoverable; 3) foster sufficient capacity planning and strengthening of organics recycling markets; 4) ensure edible food is recovered for human consumption; 5) ensure regulatory programs and goals are measurable and enforceable.*

### **I. Organic Waste Collection Services**

*To decrease landfilling to the level required by 2025, generators must have access to organics collection opportunities wherever they go. How can the state ensure that all generators have access to organics recycling? How could the following concepts be addressed in regulations?*

#### **A. Organic Waste Collection**

##### *Concepts Identified*

1. Local organic waste collection services provided to all residential and commercial generators
2. Organic waste recycling bins located where public refuse bins are located (e.g. park trashcans, cafeterias etc.)

#### **B. Ensure Collected Organics are Recovered**

##### *Concepts Identified*

1. Local waste services include source-separated organics recycling
2. Local waste services include non-putrescible organics (i.e. paper and cardboard, cartons) in curbside recycling programs<sup>1</sup>
3. Local waste services include mixed waste collection that specifically recycles organic waste
4. Identify appropriate end-uses for processed organics
5. Recovery rates for organics processing and recycling facilities
6. Biweekly hauling of refuse and curbside recycling bins where weekly source-separated organics recycling services are provided
7. Reinforce CalGreen Building Standards related to organic waste

*What additional or alternative concepts could help ensure that the maximum amount of organics collected and recovered?*

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<sup>1</sup> Certain organics, such as paper, cardboard and other organics, are typically non-putrescible and collected in existing curbside recycling services (sometimes referred to as “blue-bin services”).

### C. Generator Participation

#### *Concepts Identified*

1. Organics collection services provided are mandatory
2. Allow generators not participating in a jurisdiction's collection services to recycle material on-site, or backhaul/self-haul material to a facility that recycles organic waste
3. Specify materials that should be placed in the organics collection bin

*What additional or alternative concepts can increase or improve generator participation in organics recycling collection services?*

### D. Managing Contamination

#### *Concepts Identified*

1. Local public education and outreach efforts
2. Compliance monitoring by jurisdictions and haulers
3. Inspection, monitoring, and reporting of contamination by haulers and facilities
4. Local programs to address "other" organics (composite paper, coated paper, textiles etc.)

*What additional or alternative concepts can manage or reduce contamination?*

## II. **Infrastructure Capacity and Planning**

*CalRecycle recognizes the need for organics recycling capacity development. This requires that proper capacity planning is initiated and that market drivers exist for recycled organic products. There are many ongoing activities to address facility development and market issues. Within the context of these regulations, how can the state ensure that recycling options are available for all collected organics?*

*How could the following concepts be addressed in regulations?*

### A. Infrastructure and Capacity Planning

#### *Concepts Identified*

1. Expand AB 876 (McCarty) organics recycling capacity requirements to include plans by jurisdictions to address insufficient capacity
2. Planning for edible food recovery capacity and programs
3. Consultation with environmental justice communities for facility permitting
4. Account for organics disposal reductions in landfill financial assurance planning

*What additional or alternative concepts can increase or improve infrastructure capacity and financial planning?*

## III. **Edible Food Recovery**

*To achieve the statewide edible food recovery goal, CalRecycle sought to identify potential points in the food distribution chain where edible food currently enters the disposal stream, how that disposal can be avoided, and how the recovery of edible food can be quantified.*

*In addition, CalRecycle is seeking stakeholder feedback on how to define and develop a baseline measurement for the disposal and recovery of "edible food."*

*How could the following concepts be addressed in regulations?*

### A. Generator Access to Edible Food Recovery Services

#### *Concepts Identified*

1. Jurisdiction food recovery programs
2. Edible food pick-up services for relevant generators
3. Edible food recovery services as part of event permits (e.g., farmers' markets, festivals)

*Are there other ideas for providing generator access to edible food recovery services?*

**B. Generator Participation in Edible Food Recovery Programs**

*Concepts Identified*

1. Food donation plans for public facilities
2. Food donation plans for large edible food generators
3. Formal arrangements between large edible food generators and edible food recovery organizations
4. Local public education and outreach efforts
5. Compliance monitoring by jurisdictions

*Are there other ideas for ensuring generator participation in edible food recovery programs?*

**C. Tracking and Reporting of Edible Food Recovery**

1. Generator reporting on edible food donation
2. Edible food recovery organization reporting on edible food donations received

*Are there other ideas for tracking, measuring and reporting data on edible food recovery?*

**IV. Reporting**

*The concepts below identify reporting items that could assist with: 1) monitoring the effectiveness of any regulatory requirements; 2) measuring progress toward achieving the 50 and 75 percent mandates; 3) meeting the short-lived climate pollutant emissions reductions. CalRecycle is seeking stakeholder feedback on the most efficient reporting structure, including the sources of data and the types of reporting mechanisms used.*

*How could the following be addressed in regulations?*

**A. Monitoring Effectiveness of Programs**

*Concepts Identified*

1. Reporting:
  - a. Organics recycling program implementation
  - b. Edible food recovery program implementation
  - c. Compliance and enforcement actions
  - d. Number of generators served
  - e. Contamination levels and efforts to reduce contamination
  - f. Local rate structures
2. Licensing/registering/permitting of haulers and self-haulers

*Are there other data items that would assist in monitoring program implementation?*

**B. Tracking Organic Waste Disposal and Methane Reduction Mandate**

*Concepts Identified*

1. Facility organic recovery rates
2. Jurisdiction organic recovery rates
3. Origin of collected organics
4. Type of organics collected
5. Collection method
6. Facility rejection of contaminated organics
7. Destination and end-use of collected/processed organics

*Are there other data items that could assist in quantifying methane emissions from the waste sector to assist in measuring state progress towards meeting 1383/SLCP disposal reduction and methane emissions reduction goals?*

## **V. Compliance and Enforcement**

*CalRecycle recognizes the role that the state and local jurisdictions play in the implementation and enforcement of state and local mandates. CalRecycle has identified enforcement concepts that would be consistent with the statutory requirements of SB 1383. Which entities should have a role in compliance and enforcement?*

### **A. Entities With a Potential Role in Monitoring Compliance and Enforcing Requirements**

1. CalRecycle: jurisdictions, all other entities subject to regulations?
2. Jurisdictions: haulers, generators?
3. Local Enforcement Agencies (LEA): solid waste facilities?
4. Haulers: generators?

*Are there additional entities and roles that could be identified in a compliance and enforcement structure?*

### **B. Potential Compliance and Enforcement Roles**

#### *Concepts Identified*

1. Direct state compliance and enforcement
  - a. CalRecycle compliance and enforcement relationship with all involved entities
2. Delegated enforcement to local government, with/without state oversight
  - a. Jurisdiction compliance enforcement purview of:
    1. Generators
    2. Haulers
  - b. LEAs include enforcement of any additional related state standard regarding:
    1. Solid waste facilities
3. Joint state and jurisdiction enforcement authority on all entities other than jurisdiction compliance
4. Optional delegated authority
5. Other hybrid models:
  - a. CalRecycle primary compliance enforcement relationship with jurisdictions, direct authority for other entities retained for certain violations or certain entities
  - b. Jurisdiction conducts primary compliance activities and delegates enforcement activities

*Are there alternative models that should be considered?*

## **VI. Market Development**

*Achieving the 50 and 75 percent mandates will greatly depend on the development of markets for recycled organic products. Such markets need to be developed in parallel with establishing and implementing the new regulatory framework to achieve the targets of SB 1383.*

### **A. Recycled Organic Product Market Development**

#### *Concepts Identified*

1. Recycled organic products in need of market development
  - a. Compost/mulch
  - b. Biogas
  - c. Cardboard
  - d. Paper
  - e. Building materials
2. Market development tools
  - a. Incentives/subsidies
  - b. Procurement mandates

*What additional or alternative concepts can increase market demand for recycled organic products? Which market development tools are the most effective given the recycled organic products likely to be produced and marketed? What additional legislative or regulatory actions need to be taken to facilitate the utilization of these market development tools?*